

**REMARKS**

This response is being filed in response to the Office Action mailed January 4, 2007. Claims 1-30 are currently pending in this present application.

**CLAIM REJECTIONS: 35 U.S.C. § 103(a)**

Claims 1-30 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Lavin et al. (U.S. Pub. Application 2004/0117376) in view of Liddy et al. (U.S. Patent 6,304,864).

A. Claims 1, 13, and 25

Applicants respectfully traverse the 35 U.S.C. § 103(a) rejection of claims 1-30, as set forth below. The following remarks are for independent claim 1 but apply by analogy, although not necessarily coextensively, to independent claims 13 and 25.

Claim 1 recites in part:

A method for providing software and file distribution management, comprising:

loading a user profile for an end user into a client system via an intelligent agent, said profile containing current software installed, files downloaded, and registered channels for said client system...

The combined teachings of Lavin and Liddy fail to teach or suggest loading a *user profile* for an end user into a client system via an intelligent agent, *said profile containing current software installed, files downloaded, and registered channels for said client system*, as recited in claim 1.

The Office Action has attempted to read the user profile and its contents in claim 1 on Lavin in view of Liddy. The Office Action states: "See again sect. 0055 in which the phrase 'keep fresh' refers to the current software installed, 'information from multiple sources' refers to files downloaded and the P2P, and S2P2S2P, etc. refers to the various

channels (see sects. 0056-0064). See again sect. 0073 in which trespasses are not violated (i.e., listening in on registered channels).” (Office Action, pages 2-3)

First, Applicants respectfully submit that the Office Action has mischaracterized the teachings of the cited references. In paragraph [0055], Lavin does not indicate that “keep fresh” refers to a user profile containing current software, and Lavin does not indicate that “information from multiple sources” refers to a user profile containing files downloaded. (Lavin, paragraph [0055]) Rather, the *term* “keep fresh” refers to a time period in which data acquired after a search (e.g., Google) is still suitable. Particularly, paragraph [0084] of Lavin provides the context in which “keep fresh” or “fresh enough” is used: “There is no reason for different end users to request the same information multiple times in a short period of time. For any given data acquisition time interval for which each end user is willing to deem data acquired during that time interval ‘fresh enough’ (whether week, day, six hours, hour, etc.), each piece of data can be collected only once by any one user and thereafter reused by all users without need to reacquire the piece of data from its original source.” (Lavin, paragraph [0084]; See Lavin, paragraph [0164])

As seen from the above passage in Lavin, the *terms* “keep fresh” or “fresh enough” refer to how long the data acquired from a search for one user may be kept and used for another user, before the data becomes stale. For example, when two or more users search for the same information, instead of retrieving the information twice from a third party (e.g., a website for John’s RealEstate), the information is retrieved only once and provided to both users. Since certain information (e.g., housing inventory) does not rapidly change from minute-to-minute or hour-to-hour, once this information has been retrieved for user A, the same information is provided to user B. The housing market example is fully explained in paragraphs [0169]-[0173]. Therefore, a user profile containing current software installed, as recited in claim 1, does not read on “keep fresh” in Lavin.

Furthermore, the Office Action has arbitrarily selected *terms* and passages that are not contained in any user profile in Lavin. For example, Lavin does not indicate that the *terms* “keep fresh”, “information from multiple sources”, and “P2P and S2P2S2P” are contained in a user profile. Indeed, Lavin does not explicitly, implicitly, or inherently indicate that these *terms* are contained in any user profile because the user profile may randomly change based on the search being performed by the user. As referred to above (paragraphs [0169]-[0173]), the user may be interested in a 4- or 5-bedroom home in a certain price range. This housing information is part of the user’s profile and is used to search websites on the internet. Any results found during the search are shared with other users having similar search criteria. However, the *terms* indicated by the Office Action are not contained in any user profile. For example, the Office Action, page 2 indicates that FIG. 6a and paragraph [0058] are the user profile. However, neither Fig. 6a nor paragraph [0058] indicates that P2P/S2P2S2p is contained in a user profile. In fact, Lavin is **silent** with respect to the exact contents of the user profile in FIG. 6a and paragraph [0058].

Libby fails to compensate for any of the deficiencies of Lavin. Although Lavin and Libby have a process for searching the internet, the combined teachings fail to disclose anything regarding a user profile containing current software installed, files downloaded, and registered channels for said client system, as recited in claim 1.

Moreover, to establish a *prima facie* case of obviousness under 35 U.S.C. § 103(a) the Office Action must show that the prior art references, when combined, teach or suggest all of the claim limitations. (See MPEP § 2143) As a result, in order for the Office Action to maintain a rejection under 35 U.S.C. § 103, the references must teach all of the limitations of the claims. The Office Action has failed to meet this burden, and Applicant respectfully submits that the references cited above in the Office Action fail to teach or suggest all of the claimed subject matter as recited in claim 1.

For at least the foregoing reasons, claim 1 is not rendered obvious by the combined teachings of Lavin and Liddy. Claims 13 and 25 recite similar features and are

considered not anticipated or rendered obvious by the cited references for at least similar reasons. Therefore, the 35 U.S.C. §103(a) rejection of independent claims 1, 13, and 25, along with their respective dependent claims 2-7, 14-19, 26, and 27, should be reconsidered and withdrawn.

B. Claims 8, 20, and 28

The following remarks are for independent claim 8 but apply by analogy, although not necessarily coextensively, to independent claims 20 and 28. Claim 8 recites:

A method for providing software and file distribution management, comprising:

listening in on a server for updated information relating to software, software providers, files, and file providers via a communications interface;

if said updated information is detected:

publishing said updated information to a look-up system for access by a client system; and

allocating a software provider or file provider associated with said updated information upon receiving a download request for software or files by said client system.

With regard to the rejection of claims 8, 20, and 28, the Office Action references the comments identified for claims 1-4. Paragraph [0088] of Lavin uses a Data Acquisition Application (program) on a user's computer to search for and request specific information from websites without "crawling" or "scraping". As discussed above, the request may be for housing information in the housing market. Also, paragraph [0221] of Lavin describes a listening process in which the Data Acquisition Application "monitors information sent from [a third party] and/or received by the end user." Also, the Data Acquisition Application process may forward all information to the Data Aggregation

Service or it may determine which information is relevant and forward only that information. (Lavin, paragraph [0221])

As discussed above, the terms “keep fresh” or “fresh enough” refer to how long the data acquired from a search for one user may be kept and used for another user, before the data becomes stale. (See Lavin, paragraphs [0084] and [0164]) Essentially, Lavin describes a process of performing searches on the internet for a user, where the requested information may be used again for other users having a similar (or overlapping) search criteria.

The Office Action applied Liddy for allegedly automating “recurring processes” and indicated that the features of Liddy would simplify the tasks in Lavin. (Office Action, page 2) Liddy describes a system for retrieving multimedia information in which neural networks or agents are used to search the web. The agents adapt based on which pieces of data (web pages) are selected by the user, and on subsequent searches, the agents adjust accordingly to search for and retrieve more relevant information.

Nevertheless, the combined teachings of Lavin and Liddy fail to teach or suggest [1] *listening in on a server* [2] *for updated information relating to software*, [3] *software providers*, files, and [4] *file providers* via a communications interface, as recited in claim 8. The process of searching for a website and/or listening to communications between a user and a third party in Lavin (and/or Liddy) do not render obvious the features of claim 8. For example, the combined teachings of Liddy and Lavin fail to disclose listening in on a server for updated information related to software, and even broadly read, “keep fresh” or “fresh enough” do render obvious the same.

In addition, the combined teachings of Lavin and Liddy fail to disclose listening in on a server for updated information relating to software providers as recited in claim 8, and “information from multiple sources” does not render the same obvious. Paragraph [0055] states “This invention, by making it easier to aggregate data/information from multiple sources, also makes it easier to personalize, keep fresh, comment on, share, and provide timely notification of additions or changes to that data/information.” (Lavin,

paragraph [0055]) Aggregate data/information from multiple sources relates to dealing with vast amounts of information on the internet that can be searched and putting this information into a form for the user, but does not relate to the features recited in claim 8 in the manner suggested by the Office Action.

For at least the foregoing reasons, claim 8 is rendered obvious by the combined teachings of Lavin and Liddy. Claims 20 and 28 recite similar features and are considered not anticipated or rendered obvious for at least similar reasons. Therefore, the 35 U.S.C. §103(a) rejection of independent claims 8, 20, and 28, along with their respective dependent claims 9-12, 21-24, 29, and 30, should be reconsidered and withdrawn.

### **CONCLUSION**

In view of the above, it is respectfully submitted that this application is in condition for allowance. Accordingly, it is respectfully submitted that this application be allowed and that a Notice of Allowance be issued. If the Examiner believes that a telephone conference with the Applicants' attorneys would be advantageous to the disposition of this case then the Examiner is encouraged to telephone the undersigned.

If there are any additional charges with respect to this Amendment or otherwise, please charge them to Deposit Account No. 09-0463.

Respectfully submitted,

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